


United States District Court
Eastern District of North Carolina
Western Division

FILED

APR 08 2021

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY  DEP CLK

Case No. 5:21-CT-3098

(To be filled out by Clerk's Office only)

JAMES BALL

Inmate Number 1551117

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT

(Pro Se Prisoner)

Michael Aegan Sec. NC Dept. Environment & Quality et al.

Jury Demand?

☒ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

JAMES BALL

- against -

Michael Regan Sec. NC Dept. Environment & Quality et al

Cristel Vaughan

Erick A. Hooks Sec. NC Dept. of Public Safety

Phanticia Hawkins

Doctor Carlson

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

James Ball
Name

1551117
Prisoner ID #

Warren Correction
Place of Detention

P.O. Box 728
Institutional Address

Norlina
City

NC
State

27563
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: Michael Regan

Name

Sec. NC Dept. of Environment & Quality

Current Job Title

217 W Jones St

Current Work Address

Raleigh

City

NC

State

27603

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2: Erick A Hooks

Name

Sec NC Dept of Public Safety

Current Job Title

840 W Morgan St.

Current Work Address

Raleigh

City

NC

State

27603

Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

Defendant 3: Cristel Vaughan
Name
Assistant Warden over Programs
Current Job Title
PO Box 728
Current Work Address
Norlina NC 27563
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: Shanticia Hawkins
Name
Warden
Current Job Title
PO Box 728
Current Work Address
Norlina NC 27563
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 5: Doctor John Doc Carlson
Psychiatrist
831 W Morgan St.
Raleigh NC 27603
Capacity in which being sued: ☐ Individual ☐ Official ☐ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Warren Correctional and Tele-psych

Date(s) of occurrence: 12/22/20 to present

State which of your federal constitutional or federal statutory rights have been violated:

Const 8th Amendment Cruel & Unusual Punishment; 14th Amendment liberty interest, equal
protections, due process - 148 - 19 NC GS; 1st Amendment 42 USC § 1997e (a) obstructing
grievance exhaustion 148118 - NC GS 42 USC § 19101 et seq.

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

Michael Regan failed to uphold his duties pursuant to NC Gen. Stat. § 148-10, holding the defendants up to standards for prisoners assigned to important mental health services as the lapse created a pattern allowing the agency the NC Dept. of Public Safety to reduce the care and services quality of the conditions of confinement and further ignored requirements with the NC Psychology board and its agents which contact with the defendants Erick Atkiss neglected to uphold standards of accountability with giving facility warden Shanticia Hawkins autonomy over daily operation of Mental Health Services did create a vortex of error by allowing designers to fail to inform inmates of appointments to curb inmates reporting facility failures and refusal to accept grievances to report the issues our statutory rights to being exhaustion for court access and allowing retaliation for reporting Covid-19. Shanticia Hawkins gave Cristel Vaughan Assoc. Warden over programs autonomy to stop services of mental health services by causing errors to which inmates failed to show up for the appointments, and admitted to family community support system Hawkins has no control over mental health services, thus to hide misconduct of defendants

What
happened
to you?

obstructed plaintiff's freedom of speech to report mental health services, thus to hide misconduct
defendants obstructed plaintiff's freedom of speech to report mental health issues & lapse in care
services after Covid-19 reporting. Doctor Carlson after 3 months medication freeze
after lectured & was bawling in behavior due to family & grievances willing to threaten
refusal of medications & discontinue use with stipulating yet nursing staff at facility
stipulate he did not resist services. Serious deliberate indifference in malice by
refusing to provide his name upon request for legal purposes.

When did it
happen to
you?

I have been twice repeatedly denied access to mental health care by the facility
creating errors leading to my medication expiring & not being renewed only to worsen
the inhumane human rights violations going on. This happened in retaliation to
inmates self included because we were concerned for our welfare during Covid-19
and after we filed a grievance of withholding Covid-19 my mental health services
were interrupted.

During the pandemic yet on or about _____ my medications were stopped
allegedly because one failed to show up, though one religiously took my
medications and attended known appointments.

Where did it
happen to
you?

Warren Correctional, Mental Health, Medical, Custody and
operation, Administration

What was
your
injury?

Due to lifetime reliance upon medication for mental health one was immediately removed from medication without properly weaning me off. This has lead to a difficulty in coping with my environment and a barrage of auditory abuse with constant warnings to adhere to executive orders for Covid-19 when the facility housing units are not social distanced creating an impossible task. Further, I am having difficulty with suicidal ideation and constant harassment by non-medical / non mental health gang members and the auditory abuse.

Due to my right of speech after catching Covid-19 my reporting caused staff retaliation and disruption a denial of mental health services to curb inmates from reporting the facility violations to providers by telepsych. I was retaliated on with a deliberate indifference to my mental health wellness and welfare to cover up inhumane human rights violations.

I was prevented from filing grievances on matters because the state actors did not want to assume liability for the errors and omissions of mental health facilities.

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed? ☒ Yes ☐ No

If no, explain why not:

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

42 USC § 12101 et seq. do not be denied services of a facility for state prison mental health care. Injunctive relief - to be notified within 12-24 hours in advance in waiting for any appointment to curb staff deterioration or negligence. To restructure how facility mental health discontinues or denies medication with a board agency to review to prevent due process error. With Declaratory relief as to inmates rights to notice of appointments and due process medication refusal or discontinuation and whether or not a past history of drug addiction can be utilized as a device to obstruct services. 42 USC § 12101 et seq. Services of mental health outpatient care undergo systematic changes with decertification of Warren Correction as a provider; with consideration to the State of NC Prison Systems to be decertified as a provider of mental health services. Mental health service provider facilities should segregate some members from mental health patients regarding mental health services with inspections by NC Dept of Environment & Quality under NCGS 40-10 to partner with NC psychology subboard Administrative Punitive to no more compliance.

VIII. PRISONER'S LITIGATION HISTORY

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has “on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☐ Yes ☒ No

If yes, how many? _____

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

4/5/21
Dated

James Ball
Plaintiff's Signature

James Ball
Printed Name

1551117
Prison Identification #

PO Box 728 Norlina NC 27563
Prison Address City State Zip Code